

REMARKS

Rejections under 35 USC §102(b)

Claims 1, 6 and 8 were rejected under 35 USC §102(b) as being anticipated by Deng et al. (U.S. Patent No. 5,980,977).

Claim 1 has been amended to recite that “water is electrolyzed in the water electrolysis system by electric power.” Claim 6 has been amended to recite that “an organic compound is electrolyzed in the organic electrolysis system by electric power.” Claim 8 has been amended to recite that “electric power is generated by the fuel cell.”

Deng et al. does not discuss a water electrolysis system or an organic electrolysis system at all. Regarding a battery, Deng et al describes as follows:

The thin layer metal oxynitride covered-substrate is useful for **electrical energy storage** as an electrode in a **capacitor** or **battery** configuration.

The present invention generally relates to an energy storage device, and more particularly to a **bipolar double layer capacitor-type energy storage device**, and to improved methods for manufacturing the same.

(Deng et al., column 1, lines 32-39). Deng et al. does not clearly describe the kind of battery it refers. From “**electrical energy storage** as an electrode in a **capacitor** or **battery** configuration,” it would be reasonable for a person skilled in the art that the term “battery” indicates rechargeable battery or secondary battery.

The word “battery” mostly appears in Deng et al. as “capacitor or battery” without any further explanation. An example of other descriptions referring to “battery” is as follows:

AO. In one embodiment, the present invention relates to a energy storage obtained by using the preunit device according to any AD and adding an electrolyte to fill the evacuated fill gap regions, sealing the fill port openings, and **electrically charging the electrical storage device** wherein said device has uses as an electrical source of power for applications independently selected from:

- providing peak power in applications of varying power demands and be recharged during low demand . . . ;

- providing power in applications where the electrical source may be discontinued and additional power is needed . . . ;

- providing pulse power in applications requiring high current and/or energy comprising means for a power source to resistively heat catalysts, to power a defibrillator or other cardiac rhythm control device, or to **provide pulse power in electric vehicle where in a battery or internal combustion engine could recharge the device;**

- providing power in applications that require rapid recharge with prolonged energy release comprising surgical instruments with out an electrical cord; or

- providing a portable power supply for appliance and communication applications.

(Deng et al., column 62, lines 8-40). Thus, nothing in Deng et al. indicates that the electrode is used in a fuel battery.

Thus, Deng et al. does not teach or suggest a water electrolysis system wherein “water is electrolyzed in the water electrolysis system by electric power,” as recited in claim 1. Also, Deng et al. does not teach or suggest “an organic electrolysis system” wherein “an organic compound is electrolyzed in the organic electrolysis system by electric power,” as recited in claim 6, and “a fuel cell” wherein “electric power is generated by the fuel cell,” as recited in claim 8.

For at least these reasons, claims 1, 6 and 8 patentably distinguish over Deng et al.

Rejections under 35 USC §103(a)

Claims 2, 7 and 9 were rejected under 35 USC §103(a) as being obvious over Deng et al. (U.S. Patent No. 5,980,977) in view of Clerc et al. (U.S. Patent No. 6,190,802).

Claim 2 depends from claim 1. Also claim 7 depends from claim 6, and claim 9 depends from claim 8. Because claims 1, 6 and 8 patentably distinguish over Deng et al., claims 2, 7 and 9 also patentably distinguish over Deng et al.

Clerc et al. has been cited for allegedly disclosing a metal oxynitride electrode catalyst being dispersed as fine particles on a catalyst carrier which is an electronically conductive powder. Such disclosure of Clerc et al., however, does not remedy the deficiencies of Deng et al discussed above.

For at least these reasons, claims 2, 7 and 9 patentably distinguishes over Deng et al. and Clerc et al.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

Application No.: 10/581,210
Art Unit: 2818

Amendment under 37 C.F.R. §1.111
Attorney Docket No.: 062485

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read "Sadao Kinashi", with a stylized flourish at the end.

Sadao Kinashi
Attorney for Applicants
Registration No. 48,075
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

SK/ar